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SUBJECT: DRAFT 2001 COUNTRY HUMAN RIGHTS REPORT FOR NIGERIA

[1](#)1. Sensitive but Unclassified--NOFORN--entire text.

[1](#)2. Following is the 2001 Country Report on Human Rights for Nigeria

[1](#)3. Introduction

Nigeria is a federal republic composed of 36 states and a capital territory, with an elected president and a bicameral legislature. On May 29, 1999, President Olusegun Obasanjo of the Peoples Democratic Party was inaugurated to a 4-year term after winning elections in February 1999 that were marred by fraud and irregularities perpetrated by all contesting parties, but most observers agreed the elections reflected the will of the majority of voters. These elections marked the end of 16 years of military-led regimes. On May 5, 1999, the Abubakar Government signed into law a new Constitution based largely on the suspended 1979 Constitution; the new Constitution entered into effect on May 29, 1999. The Constitution provides for an independent judiciary; however, in practice the judicial remains susceptible to executive and legislative branch pressure, is influenced by political leaders at both the state and federal levels, and suffers from corruption and inefficiency.

The Federal Nigeria Police Force (NPF) is tasked with law enforcement. The Constitution prohibits local and state police forces. Internal security is the duty of the State Security Service (SSS). The SSS's profile remained poor under the Obasanjo regime. Until the advent of the civilian administration in May 1999, special paramilitary anticrime squads called "Rapid Response Teams" operated in every state. Under Obasanjo, the military personnel dispatched to these units returned to their barracks, but the units remained intact in most states, staffed by regular policemen and with a reduced role and a less menacing presence. The Obasanjo Government increased its reliance on the army to quell internal disorder. The degree of civilian control over the Rapid Response Teams and the national police force improved during the course of the year. Despite these new controls, members of the security forces, including the police, anticrime squads, and the armed forces committed numerous, serious human rights abuses.

The economy has declined for much of the last three decades. Most of the population of approximately 120 million was rural and engaged in small-scale agriculture. Agriculture accounted for less than 40 percent of gross domestic product but employed more than 65 percent of the work force. The agriculture and manufacturing sectors deteriorated considerably during the oil boom decades. The collapse of market agriculture contributed significantly to the country's urbanization and increased unemployment. Although the great bulk of economic activity is outside the formal sector, recorded gross domestic product per capita was \$250. Much of the nation's wealth continued to be concentrated in the hands of a small elite mostly through corruption and nontransparent government contracting practices. During the year, petroleum accounted for over 98 percent of the country's export revenues, most of the government's revenues, and almost all foreign investment. During the year economic growth was modest, with growth still impeded by inadequate infrastructure, endemic corruption, and general economic mismanagement. The Obasanjo Administration inherited ports, roads, water, and power infrastructure in a state of collapse. Both the Federal Government and various states have focused on improving infrastructure with some success. Chronic fuel shortages which afflicted the country for several years have been alleviated. Food production has improved, due in part to record rainfalls, but post-harvest loss remains a significant problem due to poor transportation infrastructure. An estimated two-thirds of the country's

population live in poverty and are subject to malnutrition and disease. In 2001, the Government has made progress in reducing controls on the private sector, and increasing expenditures for key social sectors.

The Government's human rights record was mixed; although there were improvements in several areas during the year, serious problems remain. While the national police, army, and security forces continued to commit extrajudicial killings and used excessive force to quell civil unrest and ethnic violence, the frequency of these abuses has declined as compared to the record under the previous military governments. The military was called on to restore order in four incidents of civil unrest or conflict--Jos, Tafawa Balewa, Kano and in the Tiv-Jukun conflict in Benue, Nasarawa and Taraba states. The containment of severe ethnic conflict has been important to restoration of order in these areas, and the military has done so without many of the excesses seen in previous military regimes. Nevertheless, Army, police, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners; however, there were no reports of torture of political dissidents. The Government took steps to curb torture and beating of detainees and prisoners, including the dismissal and arrest in 2000 of senior officials known for such practices. Shari'a courts sentenced persons to harsh punishments including amputations and death by stoning. Of many amputation sentences, only two were carried out, and the sentences for stoning have not been implemented. Prison conditions were harsh and life threatening, and along with the lack of food and medical treatment, contributed to the death of numerous inmates. At different times in the year, the Government released several hundred prisoners in an attempt to ease prison congestion. In May 1999, the Government repealed the State Security (Detention of Persons) Decree of 1984 (Decree 2), which allowed arbitrary detention without charge; however, police and security forces continued to use arbitrary arrest and detention. Prolonged pretrial detention remains a major problem. The judiciary is subject to political influence, and is hampered by corruption and inefficiency. The judicial system was incapable of providing citizens with the right to a speedy, fair trial. The Government continued to infringe on citizens' privacy rights; however, there were no reports of members of the armed forces looting property, destroying buildings, or driving persons away from their homes. The Government generally respected freedom of speech and of the press; however, there were some exceptions. The Government continued to relax its restrictions on the rights of freedom of association and assembly. The Government occasionally restricted freedom of movement. The Government generally respected freedom of religion, however, the expansion of Shari'a law in the North raised regional and ethnic tensions and threatened religious freedom for minority religionists. The Government-established Human Rights Violations Investigation Panel (HRVIP), continued its work throughout the year reviewing cases of human rights violations since 1966.

Domestic violence against women remained widespread and some forms were sanctioned by traditional, customary, or Shari'a law. Discrimination against women remained a problem. Female genital mutilation (FGM) remained widely practiced, and child abuse and child prostitution were common. Localized discrimination and violence against religious minorities persisted. Ethnic and regional discrimination remained widespread and interethnic, religious, and regional tensions increased significantly. Thousands of persons were killed in various local ethnic and religious conflicts throughout the country. Some members of the Ijaw ethnic group in the oil-producing Niger Delta region who seek greater local autonomy continued to commit serious abuses, including killings and kidnappings. The police often could not protect citizens from interethnic, interreligious, communal, and criminal violence, and, due to the inability of the police, the Government called upon the army to restore order following unrest in three cities during the course of the year. The Government took steps to improve worker rights; however, some restrictions continued. Some persons, including children, were subjected to forced labor. Child labor continued to increase. Trafficking in persons for purposes of forced prostitution and forced labor was a problem and collusion of government officials in trafficking was alleged. Vigilante violence increased throughout the country, particularly in Lagos and Onitsha, where suspected criminals were apprehended, beaten, and sometimes killed.

Respect for Human Rights

Section 1. Respect for the Integrity of the Person, Including Freedom From

a. Political and Other Extrajudicial Killing

National police, army, and security forces committed extrajudicial killings and used excessive force to quell civil unrest under the Obasanjo Government, although their record of managing civil unrest improved from last year and was much better than under the military regimes of the past.

The Government did not use lethal force to repress nonviolent, purely political activities; however, lethal force was used when protests or demonstrations were perceived as becoming violent or disruptive, or in the apprehension and detention of suspected criminals. There was marginal improvement in security force accountability as misconduct was investigated in a few instances. However in most cases, neither the state anticrime task forces, the police, nor the armed forces were held accountable for excessive, deadly use of force or the death of individuals in custody. They operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. Since taking office, President Obasanjo largely resisted pressure to call in military troops to quell domestic unrest, which reduced the risk that the armed forces would overreact or harass civilians. Instead, Obasanjo preferred to let the police deal with civil disturbances, only sending in military reinforcements when the police were unable to restore order. Inter-ethnic clashes in June and July in Nasarawa, Bauchi and Taraba States were handled with a police response. In September the military was deployed in Plateau State to quell a major outburst of ethno-religious violence between Christians and Muslims. By October army troops were responsible for maintaining order in Kaduna, Jos, Tafawa Balewa, Kano and a significant part of eastern Benue, eastern Nasarawa and western Taraba states. Nigerian military unit commanders were briefed that international humanitarian laws must be respected, except when the security of troops is in jeopardy.⁸ Multinational oil companies and Nigerian oil producing companies subcontract police and soldiers from area units particularly to protect the oil facilities in the volatile Niger Delta region. A significant portion of the strong upsurge in violent crime during the year was attributable to criminal freelancing by current or former security forces.

Police and military personnel used excessive and sometimes deadly force in the suppression of civil unrest, property vandalization, and interethnic violence, primarily in the oil and gas regions of the Delta States. Confrontations between increasingly militant "youths" (who tend to be unemployed males between the ages of 16 and 40), oil companies, and government authorities continued during the year. In June mobile police in Khana local government area fatally shot an Ogoni man who was allegedly unarmed at the time. In July a police officer protecting oil contractors in Bayelsa State killed a local youth, reportedly after he tried to disarm a police officer.

In February Police attempts to disperse Muslim protesters outside the main mosque in Gombe resulted in violence with protestors damaging buildings and attacking the police barracks. Reports of fatalities varied between three and eight killed.

On many occasions during the year the Government authorized the use of deadly force to combat crime, and police, military, and anticrime taskforce personnel committed numerous extrajudicial killings in the apprehension and detention of suspected criminals. Police were instructed to use deadly force against suspected vandals near oil pipelines in the Niger Delta Region, against the Odua Peoples Congress (OPC) vigilante group in Lagos State and, allegedly, against participants in the Jos and Kano riots that took place in September and October, respectively. In a widely publicized case, a police raid aimed at apprehending armed robbers resulted in the death of at least four unarmed Igbo traders. Violence and lethal force at police roadblocks and checkpoints was reduced during the year; however, some instances of such violence continued. During the year an upsurge in violent crime in Lagos led to an increase in the number of roadblocks and checkpoints at major intersections, without an increase in police misconduct or violence.

Harsh and life threatening prison conditions and denial of proper medical treatment contributed to the death of numerous inmates (see Section 1.c.). Criminal suspects died from unnatural causes while in official custody, usually as the result of neglect and harsh treatment.

By the end of the year the case concerning a member of Lagos Deputy Governor's security detail had yet to be transferred to a court of competent jurisdiction. The individual

allegedly killed a young woman in May, 2000 when she obstructed the Deputy Governor's motorcade.

The Government continued to investigate and detain former Abacha government officials and family members. The Lagos High Court prosecution of Hamza al-Mustapha, Mohammed Abacha, Mohammed Rabo Lawal, Lateef Shofalan, Mohammed Aminu and Sergeant Rogers Mshiella for the 1996 murder of Kudirat Abiola, a prominent prodemocracy activist and the wife of Moshood Abiola, was adjourned pending a ruling from the Supreme Court on an application by defense lawyers. Colonel Ibrahim Yakassai, was being held for alleged involvement in the death of Shehu Musa Yar'Adua, a case which has not yet been formally been brought before a court. In addition to the above Hamza Al Mustapha, Muhammed Rabo Lawal, Lateef Shofolahan, Mohammed Aminu, Col. Yakubu, Ishaya Bamaïyi, James Danbaba and Rogers Mshiella were in detention, charged with the attempted murder in 1996 of Guardian newspaper publisher Alex Ibru. The Ibru case was postponed when Bamaïyi and Mustapha were summoned to appear before the Human Rights Violations Investigation Panel (HRVIP).

On August 19 Rivers State House of Assemblyman Monday Ndor was shot and killed by unknown actors outside his residence.

On October 4, violent clashes between the APP and the PDP in Gusau, Zamfara State left four dead and 19 critically injured.

During the year, lethal interethnic and intra-ethnic violence escalated. In September, rioting broke out between the Muslim Hausa and various predominantly Christian ethnic groups in to Plateau State. Explanations for the initial cause of the riot vary. Approximately 2,300 people may have lost their lives in the disturbances, with many of the victims buried in mass graves. Religious and ethnic violence resulted in deaths in other communities as well. In June, ethnic clashes in Nassarawa State between Tivs, Jukuns, Hausa-speakers and Kwala led to several hundred deaths and the displacement of approximately 40,000 people into neighboring Benue State. This conflict resulted in the kidnapping and murder of 23 army soldiers who were patrolling the area to enforce the peace between the ethnic groups. In Taraba State a dispute between Fulani herders and Tiv farmers reportedly resulted in eight deaths. Hours after a peaceful demonstration against U.S. military action in Afghanistan, rioting broke out on 12 October in Kano, resulting in over 100 dead and significant property damage.

The scale of communal violence in the Niger Delta area lessened but ethnic rivalries and disputes between local communities over resources still led to deadly clashes. In July, serious fighting took place between the Akaeze and Osso Edda communities in Ebonyi State. Reports indicated that 27 people had been killed.

In the Kalabari region of Rivers State, fighting between three Ijaw communities: the Ke, Bille and Krakrama, led to the reports of the deaths of between 20 and 100 people. Violent border disputes between Cross River and Akwa Ibom states continued.

Organized vigilante groups in large cities, particularly Lagos and Onitsha, committed numerous killings of suspected criminals. These vigilante groups engage in lengthy and well-organized attempts to apprehend criminals after the commission of the alleged offenses.

In Anambra State, the state government supported the extrajudicial activities of the vigilante group known as the Bakassi Boys. Like most vigilante groups, the Bakassi Boys kill suspected criminals rather than turn them over to police. The Bakassi Boys tortured and then executed between 25 and 36 suspected criminals at main intersections in Onitsha on May 29th.

In Lagos State, the vigilante group known as the OPC clashed repeatedly with the police over their protection of Yoruba neighborhoods and over political issues. The organization continued to function as a vigilante anti-crime force despite the continuing operation of a shoot-on-sight order issued against them by President Obasanjo in November of 1999. The number of vigilante killings of suspected criminals carried out by OPC was less than in recent years. Among the more prominent incidents, in August, the OPC reportedly beheaded four suspected robbers in Lagos before burning the bodies. The crucifixion of a man in the Surelere district of Lagos

was also attributed to the OPC by the local community.

There were occasional killings in several universities carried out by rival student organizations, commonly referred to as &culsts8.

Extrajudicial killing carried out by organized gangs of armed robbers remained commonplace throughout the year. Multiple sources reported that a gang of at least 30 armed robbers killed 22 residents of the town of Awkuzu, allegedly as revenge for Bakassi Boy executions of suspected criminals earlier in the year.

There also were numerous reports of street mobs apprehending and killing suspected criminals. The practice of "necklacing" criminals (placing a gasoline-soaked tire around a victim's neck or torso and then igniting it, burning the victim to death) caught in the act occurred in several cities.

b. Disappearance

There were no reports of politically motivated disappearances. Members of minority ethnic groups in the oil-producing areas kidnapped foreign and local oil company employees to press their demands for more redistribution of wealth generated by joint ventures with the state-controlled petroleum corporation and for specific projects in their areas. In all instances the victims were released unharmed after negotiations between the captors and the oil firms; the firms usually paid ransoms and promised improved conditions. In addition to the political rationale for kidnapping, there were numerous instances of strictly criminal kidnapping, in which the perpetrators' sole objective was ransom for the release of the victims. During the year, kidnappings by criminals to extort money were more numerous than those perpetrated for "political" reasons. There were also several reports of different ethnic groups in the Delta kidnapping rivals of other ethnicities as part of ongoing disputes over resources. Due to limited manpower and resources, the police and armed forces rarely were able to confront the perpetrators of these acts, especially in the volatile Delta region. A lack of resources prevented judicial investigations from taking place so that kidnappings were routinely left uninvestigated.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and mistreatment of prisoners, and the law provides for punishment for such abuses; however, although there were no reports of torture of political dissidents during the year, army, police, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners. Police regularly physically mistreated civilians in attempts to extort money from them. Detainees often were kept incommunicado for long periods of time. The 1960 Evidence Act prohibits the introduction into trials of evidence obtained through torture.

With different versions of criminal Shari'a law now in place in 12 Northern states, Shari'a courts delivered "hadd" sentences such as amputation for theft, caning for various offenses, and death by stoning. The courts have yet to decide whether such punishments conflict with the constitutional provision banning "torture or... inhuman or degrading treatment." Caning, a punishment available under Nigerian common law, the Northern Nigerian Penal Code, and Shari'a law, does not appear to conflict with the Constitution and has not been successfully challenged in the court system as a violation of the constitutional provision banning "torture or... inhuman or degrading treatment." Stoning and amputation also have not been challenged under the 1999 Constitution. There were only two amputations carried out in 2001, despite a much larger number of sentences. Lawal Isa had his right hand amputated in Zamfara on May 3 for stealing 3 bicycles. Umaru Aliyu suffered the same punishment in Sokoto on July 6, for stealing a goat. Bariya Ibrahim Magazu, a 17-year old girl, was given 100 cane strokes, following her conviction of fornication and slander. Baobab, a Nigerian human rights NGO, had filed an appeal on her behalf prior to the execution of the sentence. The case generated a great deal of attention among international human rights organizations, and the execution of a reduced sentence, underscored likely political intervention to dispose of the case. In 2001 Shari'a courts handed down the first death sentences. Attahiru Umar was sentenced to death by stoning for sodomy by a Kebbi Shari'a court. In Sokoto, Safiya Hussaini, was convicted of adultery because she could not prove who was responsible for her pregnancy. The Federal Government has instituted a panel of legal scholars to draft a uniform Shari'a criminal statute for all Northern states,

to replace hastily drafted, unconstitutional and often self-contradictory Shari'a statutes adopted by the states.

In the numerous ethnic clashes that occurred throughout the year, hundreds of persons were beaten and injured severely. Police and security forces failed to respond to most criminal acts in a timely manner. During a year that saw a significant increase in criminal activity and civil unrest in Lagos, Kano and elsewhere, police generally were outgunned and outmaneuvered by criminals, or overwhelmed by mobs trying to foment civil unrest. (See sections 1.a and 1.b). Security forces occasionally beat and/or detained journalists (see Section 2.a.).

Prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lack functioning basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Many prisons held 200 to 300 percent more persons than they were designed to hold, and many of the pretrial detainees held without charge had been detained for periods far longer than the maximum allowable sentence for the crimes for which they were being held. Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. Prison inmates were allowed outside their cells for recreation or exercise only irregularly and many inmates had to provide their own food. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. Harsh conditions and denial of proper medical treatment contributed to the deaths in detention of numerous prisoners. A reputable human rights organization estimated in 1999 that at least one inmate died per day in the Kiri Kiri prison in Lagos alone. According to Prisoners Rehabilitation and Welfare Action (PRAWA) a nongovernmental organization (NGO), dead inmates promptly are buried on the prison compounds, usually without their families having been notified. A nationwide estimate of the number of inmates who die daily in the country's prisons is difficult to obtain because of record keeping by prison officials. PRAWA alleged that prison conditions were worse in rural areas than in urban districts.

PRAWA and the International Committee of the Red Cross (ICRC) have regular access to the prisons and publish newsletters on their work. The Government admits that there are problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the Government rarely observed these prohibitions and the police and security forces continued to use arbitrary arrest and detention.

Police and security forces were empowered to make arrests without warrants if they believed that there was reason to suspect that a person had committed an offense; they often abused this power. Under the Fundamental Rights Enforcement Procedures Rules of the Constitution (based on those of the 1979 Constitution), police may arrest and detain persons for 24 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused persons to a station for processing within a reasonable amount of time. By law police must provide suspects with the opportunity to engage counsel and post bail. However, police generally did not adhere to legally mandated procedures. Suspects routinely were detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. Sheik Yakubu Musa, a Katsina-based Islamic scholar, was arrested and detained by security agents for 27 days without being charged until he was ordered released by the Abuja High Court. There was no functioning system of bail, so many suspects were held in investigative detention. If family members attend court proceedings, an additional payment is often demanded by police.

Lengthy pretrial detention remained a serious problem. According to the Constitution, persons charged with offenses have the right to an expeditious trial; however, in practice this right was not respected (see Section 1.c.). Serious

backlogs, endemic corruption, and undue political influence continued to hamper the judicial system (see Section 1.e.). In January the Minister of State for Internal Affairs was quoted in the press as saying there were 45,000 inmates of the Nigerian prison system, seventy-five percent of whom were awaiting trial. Police cited their inability to securely transport detainees to trial on their scheduled trial dates as one reason why so many of the detainees were denied a trial.

Persons who happen to be in the vicinity of a crime when it is committed normally are held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently are asked to return repeatedly for further questioning. Police continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest, although this was done much less often than under the Abacha regime (see Section 1.f.). Security forces occasionally beat and detained journalists (see Section 2.a.).

Many students have been detained for allegedly taking part in cult or criminal activities on university campuses. The 1999 Constitution prohibits the expulsion of citizens, and the Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice, the judiciary remained subject to executive and legislative branch pressure, was influenced by political leaders at both the state and federal levels, and suffered from corruption and inefficiency. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Citizens encountered long delays and frequent requests from judicial officials for small bribes. Under the Constitution, the regular court system is composed of federal and state trial courts, state appeals courts, the Federal Court of Appeal, and the Federal Supreme Court. There also are Shari'a (Islamic) and customary (traditional) courts of appeal for each state and for the federal capital territory (Abuja). Courts of the first instance include magistrate or district courts, customary or traditional courts, Shari'a courts, and for some specified cases, the state high courts. The nature of the case usually determines which court has jurisdiction. In principle customary and Shari'a courts have jurisdiction only if both plaintiff and defendant agree. However, in practice fear of legal costs, delays, and distance to alternative venues encouraged many litigants to choose the customary and Shari'a courts over the regular venues. Shari'a courts have begun to function in thirteen northern states.

Criminal justice procedures call for trial within 3 months of arraignment for most categories of crimes. Understaffing of the judiciary, inefficient administrative procedures, petty extortion, bureaucratic inertia, poor communication between police and prison officials, and inadequate transportation continued to result in considerable delays, often stretching to several years, in bringing suspects to trial (see Section 1.d.).

Trials in the regular court system are public and generally respect constitutionally protected individual rights, including a presumption of innocence, the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However, there is a widespread perception that judges easily are bribed or "settled," and that litigants cannot rely on the courts to render impartial judgements. Most prisoners are poor and cannot afford to pay the costs associated with moving their trials forward, and as a result they remain in prison. Wealthier defendants employ numerous delaying tactics and in many cases used financial inducements to persuade judges to grant numerous continuances. This, and similar practices, clogged the court calendar and prevented trials from starting.

Some courts are understaffed. Judges frequently fail to appear for trials, often because they are pursuing other means of income. In addition court officials often lack the proper equipment, training, and motivation to perform their duties, again due in no small part to their inadequate compensation.

There are no legal provisions barring women or other groups from testifying in civil court or giving their testimony less weight; however, the testimony of women and non-Muslims is

usually accorded less weight in Shari'a courts (see Section 5).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Constitution prohibits arbitrary interference with privacy, family, home, or correspondence; however, although government authorities generally respect these prohibitions, authorities continued at times to infringe on these rights.

Police and security forces continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest, although this was done much less frequently than under previous military regimes. There were calls by human rights groups for the police to end the practice.

Unlike in several previous years, there were no reports of members of the armed forces looting property, destroying buildings, and driving persons away from their homes.

Section 2. Respect for Civil Liberties, Including: Freedom of Speech and Press

There is a large and vibrant private domestic press that is frequently critical of the Government as well as Government-owned and controlled publications.

On May 26, 1999, in the last days of Abubakar regime, Decree 60 was signed into law and created the Nigerian Press Council which was charged with the enforcement of professional ethics and the sanctioning of journalists who violated these ethics. The Nigerian Press Council immediately criticized it as "an undisguised instrument of censorship and an unacceptable interference with the freedom of the press." Decree 60 attempted to put control of the practice of journalism into the hands of a body of journalists who were appointed by and received payment from the Government. In 1999 the NUJ, the professional association of all Nigerian journalists, and the Newspaper Proprietors Association of Nigeria (NPAN) rejected the creation of the Press Council. The NPAN called the decree unconstitutional and a violation of press freedom, because there were already enough laws concerning the operation of the press. The decree, which virtually made members of the council employees of the Government, also contained a number of provisions inimical to the operation of a free press. Among other provisions, Decree 60 gave the Press Council the power to accredit and register journalists and the power to suspend journalists from practicing. Decree 60 required publications be registered by the council annually through a system entitled "Documentation of Newspapers." In applying for registration, publishers were expected to submit their mission statements and objectives and could be denied registration if their objectives failed to satisfy the Council. The penalties for practicing without meeting the Council's standards were a fine of \$2,200 (250,000 Naira) or imprisonment for a term not to exceed 3 years. The decree also empowered the Council to approve a code of professional and ethical conduct to guide the press and to ensure compliance by journalists. Under the decree, publishers were expected to send a report of the performance of their publications to the Council; failure to do so was an offense that carried a fine of \$900 (100,000 Naira). The Council has set up office and hired staff in Abuja, but is yet to taken any official action. Many journalists believe that the existence of the decree and council create a significant limitation on freedom of the press in Nigeria.

During the year there were a few cases of threats against and attacks on the press. In June, Nnamdi Onyeuma, editor of a weekly magazine Glamour Trends was arrested and detained for libel in connection with a story alleging that President Obasanjo received a \$1 million allowance for each of his many foreign trips. Onyeuma is on bail awaiting court action.

In May, Imo State security personnel raided newsstands where they seized and burned publications that carried stories on activities of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), an Igbo youth group advocating the revival of the break away Biafran Republic that was defeated in the Nigerian Civil War of 1967-70.

In April, Police beat a photographer and destroyed the film in his camera when he attempted to photograph a suspect

leaving the Lagos High Court.

The National Broadcasting Commission (NBC), the body responsible for the regulation and monitoring of broadcast media, threatened to take private television and radio stations off the air in a dispute concerning the regulatory body's demand that the private stations pay 2.5 per cent of their gross income to the NBC. The Independent Broadcasters Association of Nigeria (IBAN) challenged the fees in court and in October, President Obasanjo interceded, setting the annual fee for the broadcasters at Naira 150,000 or U.S. \$1,300. During the course of the year, the NBC also prevented the commissioning of the Here and There television station in Oyo State claiming the original license had expired. The NBC is challenging expansion plans by African Independent Television (AIT), a part of Daar Communications, claiming that AIT's global and terrestrial licenses do not allow them to act as a network. This year the NBC again issued no new private radio or television licenses. Ten applications pending from 1999 are still awaiting NBC approval.

State Governors from Kano, Imo, and Zamfara States became embroiled in disputes with journalists and publicly threatened the media. A journalist temporarily lost his accreditation to cover the State House in Imo State because of an article critical of the Governor's wife.

There are two national, government-owned daily newspapers in English, the New Nigerian and the Daily Times. The New Nigerian publishes an additional Hausa edition. Several states own daily or weekly newspapers that also are published in English. They tend to be poorly produced, have limited circulation, and require large state subsidies to continue operating. Several private newspapers and magazines have begun publication since the inauguration of the civilian government.

Because newspapers and television are relatively expensive and literacy levels are low, radio remains the most important medium of mass communication and information. There is a national radio broadcaster, the Federal Radio Corporation of Nigeria, which broadcasts in English, Hausa, Yoruba, Igbo, and other languages. Fifty-one state radio stations broadcast in English and local languages. For many years, the Government prohibited nationwide private radio broadcasting, but the Abacha regime granted broadcasting rights to local and regional private radio stations in 1994. There were six private radio stations operating at the beginning of the year. International broadcasters, principally the Voice of America (VOA) and British Broadcasting Corporation (BBC), as well as Deutsche Welle and others, broadcast in English and Hausa and represent an important source of news for Nigerians.

The National Television Station, NTA, is federally owned, while 30 states also operate television stations. There are nine privately owned television stations that broadcast domestic news and political commentary. There are two private satellite television services. The 1993 Press Law requires local television stations to limit programming from other countries to 40 percent. The 1993 Press Law also restricts the foreign content of satellite broadcasting to 20 percent, but the Government does not restrict access to, or reception of, international cable or satellite television. The Government did not restrict Internet access, although unreliable and costly telephone service limited access and hindered service providers. NITEL, the Nigerian PTT, competed with dozens of privately owned Internet service providers.

While private television and radio broadcasters remained economically viable on advertising revenues alone, despite the restrictions that the Government imposed on them, government-sponsored broadcasters complained that government funding and advertising were inadequate for their needs.

Even though editors report that government security officers sometimes visit or call to demand information about a story or source, journalists and editors no longer fear suspension or imprisonment for their editorial decisions. State broadcasters and journalists remain important tools for civilian governors; these officials use the state-owned media to showcase the state's accomplishments and to promote their own political fortunes.

Since the May 1999 elections, foreign journalists who sought to enter the country to cover political developments

generally have been able to obtain visas, and many of the obstacles that previously frustrated foreign journalists were removed. Officials within the Ministry of Information became more accommodating to requests from foreign journalists.

Under Obasanjo's government, concrete steps have been taken to address the problems in the education sector and to restore academic freedom. In 1999, Obasanjo approved the establishment of four new private universities. Student groups alleged that numerous strikes, inadequate facilities, and the rise of cultism (or gangs) on campuses continue to hamper educational progress. On several occasions during the year, protests by students resulted in harassment and arrest by police forces.

Twenty-five wounded soldiers were sentenced to life imprisonment for "mutiny" and "disobedience" by a court martial after publicly protesting their treatment by military officials. The soldiers had alleged medical neglect, substandard treatment and non-payment of allowances after they returned wounded from serving in the Nigerian contingent of ECOMOG forces in Liberia and Sierra Leone.

Freedom of Peaceful Assembly and Association

The 1999 Constitution provides citizens with the right to assemble freely; and the Government generally respected this right, although some limits remained. Throughout the year, the Government nominally required organizers of outdoor public functions to apply for permits, although both government authorities and those assembling often ignored this requirement. The Government retained legal provisions banning gatherings whose political, ethnic, or religious content might lead to unrest. Open-air religious services away from places of worship remained prohibited in most states due to religious tensions in various parts of the country. For example, various Northern states, including Plateau, Kano, Zamfara and Kaduna instituted bans on public gatherings immediately following periods of violent unrest. This was done in consultation with a number of religious and traditional groups, and local governments in order to prevent a recurrence of unrest. Kaduna state government extended its ban on processions, rallies, demonstrations, and meetings in public places in order to prevent repetition of the violence that followed the establishment of Shari'a law (see Sections 1.a. and 2.c.). A political rally in Zamfara State degenerated into violence in September, prompting a temporary ban on public political rallies. Because of heightened inter-ethnic, inter-religious and purely political tensions in 2001, various state governments balance requests for public gatherings with their potential for creating unrest, and generally permit them to go forward when possible.

Generally, the police do not break up or cancel scheduled meetings unless there is a compelling security reason. Following the APP/PDP riot in Gusau, a PDP rally for the Northwest Zone, scheduled to take place in Sokoto October 4-5, was cancelled by police for security reasons. A group known as the Fourth Dimension, led by former Vice President Augustus Aikhomu, was prevented from meeting in July because of violence that occurred at a prior meeting in Benin City. Police also cancelled a planned meeting of southern governors in Enugu, called to counter a meeting of the 19 northern governors, because it was "capable of creating disharmony." Police regularly disrupt meetings of the OPC, and maintain a ban on the organization.

1C. Freedom of Religion

The Constitution provides for freedom of religion, including freedom to change one's religion or belief, and freedom to manifest and propagate one's religion or belief in worship, teaching, practice, and observance; however, the Government restricted these rights in practice in certain respects. Respect for religious freedom remained limited during the year due to the implementation of an expanded version of Shari'a law in a total of 13 northern states, which challenged constitutional protections for religious freedom and occasionally sparked interreligious violence.

The Nigerian Constitution prohibits state and local governments from adopting an official religion. The Constitution also provides that states may elect to use Islamic (Shari'a) customary law and courts. Federal, state and local governments fund various religious activities, including pilgrimages to Mecca for Muslims and Jerusalem for Christians, as well as requiring Christian or Islamic

religious knowledge to be taught in public schools. About half of the population is Muslim, about 40 percent Christian, and about 10 percent practice traditional indigenous religion or no religion. Since independence, the jurisdiction of Shari'a courts has been limited to family or personal law cases involving Muslims, or to civil disputes between Muslims and non-Muslims who consent to the courts' jurisdiction. However, the Constitution states that a Shari'a court of appeal may exercise "such other jurisdiction as may be conferred upon it by the law of the State." Some states have interpreted this language as granting them the right to expand the jurisdiction of existing Shari'a courts to include criminal matters. Several Christians have alleged that, with the adoption of an expanded Shari'a law in several states and the continued use of state funds to fund the construction of mosques, teaching of Alkalis (Muslim judges), and pilgrimages to Mecca (Hajj), Islam has been adopted as the de facto state religion of several northern states. However, state funds also are used to fund Christian pilgrimages to Jerusalem. In general states with a clear Christian or Muslim majority tailor state-funded services to favor the majority faith. The Constitution also provides that the Federal Government is to establish a Federal Shari'a Court of Appeal and Final Court of Appeal; however, the Government had not yet established such courts by year's end.

The Government continued to enforce a ban on the existence of religious organizations on campuses of primary schools, although individual students retain the right to practice their religion in recognized places of worship. Many states allow the teaching of Kuranic or Biblical knowledge in primary and secondary schools; however, in almost all states with religious minorities, there are reports that students are forced to take classes that violate their religious principles. Islamic religious knowledge (IRK) is a mandatory part of the curriculum in public schools in the North, while Christian religious knowledge (CRK) is mandatory in the South. State authorities claim that students are permitted to decline to attend these classes or to request a teacher of their own religion to provide alternative instruction. In practice, where the population of a state is evenly divided, CRK and IRK are equally available. Where there is a predominant faith, the minority faith may or may not be offered in the schools. For example, in many southern states CRK is taught in the schools and IRK is not offered to Muslim students in the public schools. Conversely, the opposite is true in northern states with an overwhelming Muslim majority.

The law prohibits religious discrimination; however, reports were common that government officials discriminated against persons practicing a religion different from their own, notably in hiring or awarding contracts. Christians in the northern, predominantly Muslim part of the country accused local government officials of attempting to use zoning regulations to stop or slow the establishment of non-Muslim, usually Christian, churches. Muslims in parts of the South have suffered similar discrimination.

Purdah continued in parts of the country leading to continued restrictions on the freedom of movement of women (see Section 5).

In October 1999, the governor of Zamfara state signed into law two bills aimed at instituting Islamic Shari'a law in his state. Implementation of the law began on January 22. Zamfara's law adopted traditional Shari'a in its entirety, with the exception that apostasy was not criminalized. Following Zamfara's lead, other northern states began to implement varying forms of expanded Shari'a; by year's end 13 states had adopted variations of Shari'a law: Sokoto, Niger, Kano, Kebbi, Jigawa, Yobe, Zamfara, Katsina, Borno, Bauchi, Gombe and Kaduna states. Previously, Shari'a law had been practiced in the north in the areas of personal law, only if both litigants agreed to settle their disputes in Shari'a courts. Elements of Shari'a also had been present in the northern penal code, which had been applicable in the north since independence.

As the result of ethnic and religious violence attendant to the expansion of Shari'a criminal law in various Northern and Middle-Belt states, (see Section 5), several northern state governments banned open air preaching and public religious processions. (#) Katsina and Plateau state governments have enacted and maintained a ban on public proselytizing for security reasons. Kaduna has maintained a ban on all forms of "processions, rallies, demonstrations, and meetings in public places." Such bans were viewed as necessary public safety measures after the deaths of thousands in predominantly ethno-religious conflicts, sparked in part by

the expansion of Shari'a since 2000, in Kaduna, Plateau, Kano, Gombe and Bauchi. However, large outdoor religious gatherings continued to be quite common, especially in the southern part of the country.

The Federal Government has tacitly acknowledged the ability of states to implement criminal Shari'a. However, the Federal Government has instituted a committee charged with the responsibility to draft uniform Shari'a criminal and procedural laws that could be adopted by all states, instead of the current state-drafted statutes that differ in many respects (see Section 1.c.).

Although the expanded Shari'a laws technically do not apply to Christians, the Christian minority in some states has been subjected to many of the social provisions of the law, primarily the ban on the sale of alcohol. Consumption of alcohol by Christians has not been criminalized, however, its sale and public consumption have been restricted throughout most of the North, except on Federal Government installations such as military and police barracks. All Muslims were subjected to the new Shari'a provisions in the states that enacted them. Various human rights groups have challenged the constitutionality of criminal Shari'a, but these suits have failed for lack of a plaintiff with adequate legal standing. Safiya Hussaini, a divorcee who was convicted of adultery and sentenced to death by stoning, has indicated her intention to appeal, challenging the constitutionality of the conviction (see Section 1.c.).

Distribution of religious publications remained generally unrestricted, however, the Government continued to enforce lightly a ban on published religious advertisements. There were reports by Christians in Zamfara State that the state government restricted the distribution of Christian religious literature. Many Christians in the North complain that they are not provided adequate radio time on state-owned radio stations while Islamic religious programs are aired without charge. Six Pakistani Muslim scholars were arrested in Benue State September 23 without being charged, and were later questioned by Federal Government officials in Abuja.

Following violence in relation to the expansion of Shari'a laws in Kaduna in February 2000, several northern state governments banned any type of proselytizing, in spite of the fact that it is permitted by the Constitution. With Shari'a-attendant violence recurring in Plateau, Bauchi and Gombe states, such bans have remained in place. In Jos, Missionaries reported that law enforcement officials harassed them when they proselytized outside of majority Christian neighborhoods. Proselytizing did not appear to be restricted in the southern part of the country.

The Federal Government continued to settle property claims by Muslim Brotherhood leader Ibrahim El-Zakzaky for compensation for his home and mosque, which were razed by law enforcement in 1997. All 96 of the Muslim Brotherhood followers jailed under the previous regime were released during the year.

Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution entitles citizens to move freely throughout the country and reside where they wish, and in general, the Government respected this right; however, police occasionally restricted this right by enforcing curfews in areas struck by civil unrest, setting up roadblocks and checkpoints. These are routinely used by law enforcement agencies to search for criminals, and to prevent the transport of bodies from areas of conflict to other parts of the country where their presence might instigate retaliatory violence. Unfortunately, security and law enforcement officials often used such checkpoints to engage in extortion and occasional violence (see Sections 1.a. and 1.c.). Unlike last year, there were no reports of government officials restricting mass movements of individuals fleeing ethnic unrest. In March 2000, however, the Governor of Niger State instructed state police to install roadblocks to prevent southerners from returning to their homes. In that incident, southerners, particularly Igbo traders, were attempting to return home because they feared violent reprisals in response to the deaths of Hausas in Aba and Owerri (see Section 1.a.).

Violent clashes between ethnic Hausa and various non-Muslim ethnic groups in Jos, Tafawa Balewa, and Kano resulted in the imposition of dusk-to-dawn curfew following the deaths of as

many as 50 persons (see Sections 1.a. and 5). In September and October, Tiv youths set up roadblocks in eastern Benue to harass and kill ethnic Jukuns (see Section 1.a.).

The Constitution also prohibits the denial of exit or entry to any citizen, and the Government generally respected this law; however, the law also provides that women are required to obtain permission from a male family member before having an application for a passport processed. Some men take their wives' and children's passports and other identification documents with them while traveling abroad to prevent their family from leaving the country (see Section 5). General Jeremiah Useni, a retired general and former Minister of the Federal Capital Territories under the Abacha regime, was prevented in August from traveling outside Nigeria and his passport was confiscated. No reason was given by the FG for this action.

Prominent human rights and prodemocracy activists who fled the country during the regime of General Sani Abacha continued to return to the country as did many economic refugees. There were no reports that the Government denied passports to political figures or journalists or interrogated citizens who were issued visas to foreign countries; however, there have been sporadic reports that persons still were questioned upon entry or exit to the country at Murtala Muhammed international airport. These persons, all of whom were opponents of the Abacha regime, were identified in immigration computer systems as individuals to be questioned by immigration or security officers. For example, Dr. Olua Kamalu, deputy president of MOSOP, reported that the SSS seized his passport on July 25, 2000. Dr. Kamalu was planning a trip to Ghana to attend a visa interview at a foreign embassy. 2001 example available.

During periods of civil unrest, numerous persons were displaced from their places of residence. Thousands of persons, both Christian and Muslim, were displaced internally following the Kaduna riots in February and in May, 2000. Most had returned by 2001, and in fact, Kaduna became a place of refuge for people of all ethnic groups fleeing violence in Jos, Tafawa Balewa and Kano. Up to 500,000 persons were displaced following the ethnic conflict between Tiv, Jukun and Hausa in Nasarawa State (see Section 2.c.). Several thousand Hausa families fled Tafawa Balewa after what was essentially a pogrom by the predominant Siyawa ethnic group in southern Bauchi State. Bauchi Governor Mu'azu admitted that essentially the entire Hausa community in Tafawa Balewa had either departed or had been killed in the conflict (see Section 1.a.). Following civil unrest created largely by criminal opportunists in Kano in October, many Igbo and Yoruba residents sent their families south.

Typically, only the head of household returned to areas of unrest after authorities regained control. Most returnees remained apprehensive about continuing to work in these areas and returned only to finish business contracts or to sell their homes in order to arrange a more organized departure.

A few hundred residents of the Odi village, razed by soldiers in 1999, have returned to the area; however the federal Government has not provided them with assistance to reconstruct their village (see Section 1.a.).

Nigerian law contains provisions for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the Lagos office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian agencies in assisting refugees through the National Commission for Refugees and its Federal Commissioner. The Eligibility Committee established under Decree 52 of 1989, which governs the granting of refugee status, asylum, and resettlement, reviews refugee and resettlement applications. A representative from the UNHCR participates in this committee. The issue of the provision of first asylum has not arisen since the establishment of the National Commission for Refugees under Decree 52.

At year's end, there were 6,933 recognized refugees: 13 from Angola; 23 from Benin; 4 from Cameroon; 1,703 from Sierra Leone; 3,194 from Chad; 74 from Sudan; 1,561 from Liberia; 69 from Cote d'Ivoire; and 292 from other countries. The Government also resettled in the country 3 Cameroonians, 3 Chadians, 5 Sudanese, 13 Liberians, and 17 persons from other countries.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

In 1998 and 1999 citizens had the opportunity to exercise their right to change their government. General Abdulsalami Abubakar oversaw a transition to civilian rule that included elections for local governments (in December 1998), state governors and assemblies (in January 1999), and national legislators and the president (in February 1999). Voter apathy and widespread fraud marred the legislative elections; however, the turnout increased for the presidential race, which proceeded peacefully with reports of only a few violent incidents. The Independent National Electoral Commission (INEC) certified former President Olusegun Obasanjo's victory over Chief Olu Falae with a reported 62 percent of the votes.

Irregularities occurred at each stage of the electoral process, particularly the presidential nominating convention and election where, for example, large sums of money were offered by both political camps to delegates to vote against political opponents. During the presidential election, international observers and foreign diplomats witnessed serious irregularities in procedures. All three parties engaged in the local purchase of false ballots and fraudulent tally sheets so that there were vast discrepancies between what observers saw and inflated tallies in some areas. In addition there were administrative problems such as late delivery of voting materials at a large number of polling stations. Those areas with the worst problems were the southern tier of states in the Niger Delta region, several states in Igboland, and a handful of north central states. The production of "ghost votes" in these states amounted to as much as 70 or 80 percent of the total reported votes. Although all parties engaged in attempts to rig the vote, the PDP machine in the Delta and Igboland was responsible for the worst excesses. These votes may have added an estimated 15 percent to Obasanjo's total figure; however, observers believe that even if they were thrown out, he still would have maintained roughly a 15 percent lead over Falae's total.

International observers confirmed the results and stated that, despite widespread fraud, Obasanjo's victory reflected the will of most voters. Although Falae initially protested the election results, eventually he dropped his legal challenge. INEC issued a report on the conduct of the election in July 1999 that documented the fraud. Obasanjo, 109 senators, 360 members of the House of the National Assembly, and 36 governors and state assemblies assumed office on May 29, 1999. The President, Vice President, and other national and state officials serve 4-year terms. The next state and national elections are scheduled for 2003, while local government elections are scheduled for 2002. INEC is working with several international electoral assistance organizations to help improve the process in 2003; however, no INEC officials have faced disciplinary action as result of their involvement in corrupt activities in the 1999 election. The Constitution outlaws the seizure of the government by force and contains provisions for the removal of the President, Vice President, ministers, legislators, and state government officials for gross misconduct or medical reasons. In November 1999, Senate President Evan Enwerem was removed after another credentials scandal. His replacement, Chuba Okadigbo, was removed in August after an internal Senate investigation on contracting procedures resulted in his indictment. Several other public officials were subjected to close scrutiny by the press, public, and legislative investigators.

The political system remains in transition. The three branches of the new government acted somewhat independently during the Administration's third year in office. The President was instrumental in removing former Senate President Chuba Okadigbo in 2000, and continued to fight to remove Speaker Ghali Na'abba in early 2001. He abandoned this approach after evidence came to light of widespread fraud and corruption in the attempt to buy votes for Na'abba's removal. The Senate and the House of Representatives legislative responsibilities such as budget review and oversight, the election reform initiative and resource allocation seriously. Obasanjo created several commissions to investigate past government contracts and human rights abuses, which were overwhelmed with applications to present evidence of wrongdoing (see Section 4). However, the judicial branch remained weakened by years of neglect and politicization.

Abubakar's military Government, which consulted with a selected group of constitutional and legal experts around the country to revise the 1979 and 1995 Constitutions, promulgated the 1999 Constitution on May 5, 1999. The constitution-writing process was criticized for not being open to enough participants and for not being subjected to

wider debate on the country's federal structure, revenue allocation and power-sharing formulas, and minority ethnic groups' rights. Complaints about the Constitution persisted and there were continued calls for a national conference, many from groups in the southwest. A bill for a national conference was introduced in the Senate late in the year. They looked instead to the constitutional reform committee in the Senate.

Special Advisor to President Obasanjo on Constitutional Matters Dr. Maxwell Gidado heads a process which gathered information from citizen groups in various parts of the country on reform of the 1999 Constitution. His findings will be presented by the President to the National Assembly for consideration. (I am not sure of exact process or whether findings have been presented yet.)

Although the Constitution allows the free formation of political parties, only three parties were registered with the INEC. The Constitution requires parties to have membership in two-thirds of the country's 36 states. In anticipation of the 2003 election INEC began preparing a draft electoral law for the National Assembly to consider in the next legislative session. In 2000, public fora were held during the year in all 36 states and the federal capital territory of Abuja to solicit citizens' views on the draft law. Over 10,000 citizens participated, however, the draft law was not subject to much public debate outside of this exercise. The proposed law seeks to regulate the timing of elections and the eligibility of independent parties to register. Because of the propensity for violence and unrest during elections, and in order to prevent an unfair advantage accruing to incumbents, there is substantial pressure to reschedule local government elections, currently set for April 2002, so that presidential, gubernatorial and local government occur in 2003. Conflicting bills regarding both timing of elections and eligibility of new parties are pending in the Senate and House.

Women are underrepresented in government and politics, although there were no legal impediments to political participation or voting by women. Men continued to dominate the political arena. NGO's continued to protest the underrepresentation of women in the political process, and women were underrepresented in the new civilian government. Only 6 women were appointed as ministers out of a total of 56 positions. There were 3 women among the Senate's 109 members, and only 12 women were elected to the 360-member House of Representatives. Women's rights groups pushed local, state, and the Federal Government (and local levels as well) to adopt a 30 percent affirmative action program; however, these efforts were unsuccessful.

There are no legal impediments to participation in government by members of any ethnic group. The Constitution requires that government appointments reflect the country's "federal character." However, there are more than 250 ethnic groups, and it is difficult to insure representation of every group in the Government. The federal- and state-level ministers generally are selected to represent the country's and the individual State's regional, ethnic, and religious makeup. President Obasanjo attempted to create an ethnically inclusive Government. The 56-member Cabinet and 109 ambassadorial slots were allocated to an equal number of candidates from each state to achieve a regional balance. Despite this effort, northerners and southeasterners criticized the Government for favoring westerners or ethnic Yorubas, while the southwesterners criticized the Government for relying too heavily on northern and southeastern appointments. Middle-belt and Christian officers dominate the military hierarchy. Military retirements in 2000, few in number, appeared to reflect normal political and military decision-making, and appeared to be based on the perceived needs of the military and country, without reflecting an ethnic or religious bias. Due to the retirement of many "political" officers in 1999, there is a perception among some in the north that the historical northern Hausa influence on the military has been reduced to the point where the North is now underrepresented.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government permitted local human rights groups to operate and did not interfere with their activities; nor did it detain, intimidate, or harass their members. Criticisms of the Government's past human rights record were abundant in various media. High-level government officials noted that the

human rights community assisted in the advancement of democracy. In June President Obasanjo, along with a number of cabinet members and National Assembly members, met with a number of prominent human rights representatives for discussions.

The Catholic Secretariat, a local sectarian interest group, continued to hold a monthly open forum in Lagos on various subjects relating to past and present human rights issues. Discussion panels have included a number of NGO's, media, and religious leaders. Each session ended with recommendations to the Government on how best to resolve these issues. The Government had not responded to any of these recommendations at year's end.

The International Committee of the Red Cross (ICRC) is active, with offices in Abuja and Lagos under the direction of a regional delegate. Its primary human rights activities during the year involved the training of prison officials on human rights, sanitation, and prisoner health. The National Human Rights Commission (NHRC) was established by Decree 22 in 1995 and tasked with monitoring and protecting human rights in the country, enjoyed greater recognition by and coordination with NGO's. The NHRC is chaired by retired Justice Uche Omo and includes 15 other members. The NHRC is establishing zonal affiliates in each of the country's six political regions. The NHRC is supposed to work closely with NGO's that are devoted to human rights issues. Since its inception, the NHRC has been denied adequate funding to do its job properly. At year's end, the NHRC had created a strategic work plan through 2002, and was in the process of developing a national action plan to be deposited with the UNCHR. In 2001, it began actively to assist in appealing extreme Shari'a verdicts in the North.

The HRVIP, commonly known as the Oputa panel, was established in June 1999 by President Obasanjo to investigate human rights abuses dating to 1966 and the time of the first military coup. The Oputa panel can recommend courses of action to the justice system for perpetrators of past abuses, something the NHRC does not do. According to Justice Oputa, the chair, the panel's primary goal is to provide the country with a systematic examination of past human rights abuses to develop a national consensus on the boundaries of acceptable behavior by government entities as well as individuals. The panel has heard cases throughout the year, mostly involving allegations of unlawful arrest, detention, and torture as far back as the 1966 Biafran War. The panel has also heard cases in which the rights of groups were violated. The Oputa Panel has held extensive hearings in Lagos, Abuja, Port Harcourt, and Kano throughout the year, and has taken evidence in the claims of over 10,000 petitioners. The work of the Panel has produced some controversy when former Heads of State, Ibrahim Babangida, Abdulsalami Abubakar, and Salisu Buhari refused to appear to answer questions about human rights abuses under their respective regimes. The Panel will conclude its hearings by the end of the year, and will proceed to draft a report and issue its findings.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The 1999 Constitution provides citizens with the right to freedom from discrimination based on "community, place of origin, ethnic group, sex, religion, or political opinion." However, customary and religious discrimination against women persisted, occasional religious violence was a problem, social discrimination on the basis of both religion and ethnicity remained widespread, and ethnic and regional tensions continued to contribute to serious violence both between groups of citizens and between citizens and the security forces.

Women

Reports of spousal abuse are common, especially those of wife beating. Police normally do not intervene in domestic disputes, which seldom are discussed publicly. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, power of speech, facial disfigurement, or other life threatening injuries. A women's rights group has estimated that spousal abuse occurs in 20 percent of adult relationships. In more traditional areas of the country, courts and police are reluctant to intervene to protect women who accuse their husbands formally if the level of alleged abuse does not exceed customary norms in the areas. Rape and sexual harassment continue to be problems. Prostitution is rampant, particularly in urban areas. A

number of states, including most northern states which have begun the enforcement of Shari'a law, have begun to enforce existing laws or to introduce new laws to combat prostitution. All states that have adopted Shari'a have criminalized prostitution, which is enforced with varying degrees of success. Prostitution is not illegal in Lagos State; however, authorities can use statutes that outlaw pandering as a justification for arresting prostitutes (See Section 6.c). The adoption of Shari'a-based legal systems by northern states has led to the strong enforcement of laws against prostitution for both adults and children (see Section 2.c.). Southern states, like Edo, also are criminalizing prostitution and raising the legal age for marriage from 16 to 18. There is an active market for trafficking in women to Europe, and elsewhere (see Section 6.f.). In some parts of the country, women continue to be harassed for social and religious reasons.

Purdah, the Islamic practice of keeping girls and women in seclusion from men outside the family, continued in parts of the far north.

Women experience considerable discrimination as well as physical abuse. There are no laws barring women from particular fields of employment; however women often experience discrimination because the Government tolerates customary and religious practices that adversely affect them.

The Nigerian NGO's Coalition expressed concern about continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and in salary inequality. There are credible reports that several businesses operate with a "get pregnant, get fired" policy. Women remain underrepresented in the formal sector but play an active and vital role in the country's important informal economy. While the number of women employed in the business sector increases every year, women do not receive equal pay for equal work and often find it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endure many forms of discrimination.

While some women have made considerable individual progress, both in the academic and business world, women remain underprivileged. Although women are not barred legally from owning land, under some customary land tenure systems only men can own land, and women can gain access to land only through marriage or family. In addition many customary practices do not recognize a women's right to inherit her husband's property, and many widows were rendered destitute when their in-laws took virtually all of the deceased husband's property. Widows are subjected to unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. "Confinement" is the most common rite of deprivation to which widows are subjected, and it occurs predominately in eastern Nigeria. Confined widows are under restrictions for as long as 1 year and usually are required to shave their heads and dress in black garments. In other areas, a widow is considered a part of her husband's property, to be "inherited" by his family. Shari'a, a personal law, in contrast to traditional law and practice in many English common law cases, protects widows property rights. Polygamy continues to be practiced widely among all ethnic groups and among Christians as well as Muslims and practitioners of traditional persuasions. Women are required by law to obtain permission from a male family member to get a passport (see Section 2.d.). The testimony of women is not equal to that of men in criminal courts. If one woman testifies, a second woman must also to provide testimony to equal the weight of the testimony of one man.

Women have been affected to varying degrees by the adoption of Shari'a in the North. In Zamfara state, local governments instituted laws requiring the separation of Muslim men and women in transportation, health care, and primary educational services (see Section 2.c.). Separate transportation and health facilities for men and women already have been implemented there. In 2000, a non-Muslim woman was pulled from a motorcycle and injured by vigilantes for breaking the new rule requiring separate transportation for women in a local government area of Zamfara State. In January, an unmarried 17-year-old woman was given 100 strokes of the cane lashes for fornication and false testimony (see Sections 1.c.). While humiliating, the caning did not appear to cause serious injury, and the woman was reported to have walked home after the execution of the sentence without aid. Safiya Hussaini was convicted of adultery in Sokoto State because she could not prove who was responsible for her pregnancy. Procedural irregularities were noted in her case. In apparent violation of traditional Shari'a jurisprudence, some Alkali judges appear to deny Shari'a criminal protections to women that they provide to men. This tends to subject women to harsh punishments for fornication or adultery based solely upon the fact of pregnancy, while men are not convicted

without the requisite number of witnesses.

A national network of women's rights NGO's described the Government's 1998 report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) for the period 1986-94 as "inaccurate" in its positive portrayal of the status of women. The NGO Coalition for a Shadow Report on the Implementation of CEDAW (NGO CEDAW Coalition) issued its alternative report in March 1999, which was critical of the Government's failure to remove legal impediments and social discrimination faced by women. During the year, there reportedly was not much progress made to rectify the problems described in the NGO report.

Children

Public schools continued to be inadequate, and limited facilities precluded access to education for many children. The Constitution's general provisions call for the Government, "when practical," to provide free, compulsory, and universal primary education; however, despite the President's commitment to compulsory education, compulsory primary education rarely was provided, particularly in the north (see Section 6.d.). Girls are discriminated against in access to education for social and economic reasons. The literacy rate for males is 58 percent but only 41 percent for females. Rural girls are even more disadvantaged than their urban counterparts. Only 42 percent of rural girls are enrolled in school compared with 72 percent of urban girls. In the north, Muslim communities favor boys over girls in deciding which children to enroll in secondary and elementary schools. In the south, economic hardship also restricts many families' ability to send girls to school and, instead, they are directed into commercial activities such as trading and street vending. While the Government increased spending on children's health in recent years, it seldom enforced even the inadequate laws designed to protect the rights of children.

Cases of child abuse, abandoned infants, child prostitution, and physically harmful child labor practices remained common throughout the country (see Sections 6.c and 6.d.). Although the law stipulates that "no child shall be ordered to be imprisoned," juvenile offenders are incarcerated routinely along with adult criminals. The Government only occasionally criticized child abuse and neglect, and it made little effort to stop customary practices harmful to children, such as the sale of young girls into marriage (see Section 6.f.). There were credible reports that poor families sell their daughters into marriage as a means of supplementing their income. Young girls often are forced into marriage as soon as they reach puberty, regardless of age, in order to prevent the "indecent" associated with premarital sex.

A number of states have adopted Islamic (Shari'a) law in varying degrees. While most schools in the north traditionally have separated children by gender, it is now required by law in Zamfara, Sokoto, and Kebbi state schools (see Section 2.c.).

There was evidence of trafficking in children (see Section 6.f.).

The Federal Government publicly opposes Female Genital Mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health; however, it has taken no legal action to curb the practice. (#) A federal law banning FGM is currently before the National Assembly. Because of the considerable problems that anti-FGM groups faced at the federal level, most are refocusing their energies to combat FGM at the state and local government area (LGA) level. Edo State banned FGM in October. Ogun, Cross River, Osun, Rivers, and Bayelsa states banned FGM during the year. However, the punishments imposed are minimal, in Edo state the punishment is a \$10.00 (1,000 Naira) fine and 6 months imprisonment. In addition once a state legislature criminalizes FGM, NGO's have found that they must convince the LGA authorities that state laws are applicable in their districts.

The Women's Centre for Peace and Development (WOPED) estimated that at least 50 percent of women are mutilated. Studies conducted by the U.N. Development Systems and the World Health Organization estimated the FGM rate at approximately 60 percent. However, according to local experts, the actual prevalence may be as high as 100 percent in some ethnic enclaves in the south. While practiced in all parts of the country, FGM is more predominant in the southern and eastern zones. Women from Northern states are less likely to be mutilated; however, those affected are more likely to undergo the severe type of FGM known as

infibulation. WOPED believes that the practice is perpetuated because of a cultural belief that uncircumcised women are promiscuous, unclean, unsuitable for marriage, physically undesirable, or potential health risks to themselves and their children, especially during childbirth. The National Association of Nigerian Nurses and Midwives, The Nigerian Women's Association, and the Nigerian Medical Association worked to eradicate the practice and to train health care workers on the medical effects of FGM; however, contact with health care workers remains limited. Nevertheless, most observers agree that the number of females who are currently subjected to FGM is declining.

Indigenous forms of FGM vary from the simple removal of the clitoral hood or labia minora to excision of the clitoris and the most dangerous form, infibulation. The age at which females are subjected to the practice varies from the first week of life until after a woman delivers her first child. The Ministry of Health, women's groups, and many NGO's sponsored public awareness projects to educate communities about the health hazards of FGM. The press repeatedly criticized the practice.

People with Disabilities

While the Government called for private business to institute policies that ensured fair treatment for the disabled, it did not enact any laws requiring greater accessibility to buildings or public transportation, nor did it formulate any policy specifically ensuring the right of the disabled to work.

Religious Minorities

The law prohibits religious discrimination; however private businesses frequently are guilty of informal religious discrimination in their hiring practices and purchasing patterns.

Religious differences often correspond to regional and ethnic differences. For example, the northern region is overwhelmingly Muslim, as are the large Hausa and Fulani ethnic groups of the region. Many southern ethnic groups are predominantly Christian, although the Yoruba are roughly fifty percent Muslim. Consequently, at times it is difficult to distinguish between religious or ethnic/regional discrimination or tension, both of which are pervasive. Religious tensions underscored what were predominantly ethnic confrontations throughout the year. The Middle Belt, because of its particular historical circumstances, has suffered recurring inter-religious and inter-ethnic violence during the past two years.

The crisis in Kaduna in February and May 2000 was the first major Muslim-Christian conflict during Obasanjo's tenure. Viewed through the ethnic prism, there were numerous conflicts in Southern Kaduna between smaller ethnic groups and the Hausa-Fulani who occupied towns, whose names are now synonymous in Nigeria with the conflicts that occurred there: Zangon-Kataf, Kachia, and Kafanchan. There has not been a similar flare up of violence this year due in part to the government sponsored dialogue between the different faiths and ethnic groups. For example when two small churches were partially burned in the northern part of Kaduna city in October, the fires were put out through the efforts of Christian and Muslim neighbors, and the State Government promised funds to repair them.

A violent ethnic crisis erupted in July between the Sayawa ethnic group and Hausa/Fulani residing in Tafawa Balewa in southern Bauchi State. Tafawa Balewa is similar to Kafanchan or Zangon Kataf in Kaduna state in that it is inhabited primarily by the Muslim Hausa-Fulani, while the indigenous, non-Muslim, Sayawa ethnic group dominates the land and villages surrounding the town. It is unclear how the violence in Tafawa Balewa commenced, but it may have been related to the proposed introduction of Shari'a law by Bauchi State. Most casualties--up to one hundred dead and significant property loss--were Hausa-Fulani. State authorities acted quickly to prevent a reprisal by Hausa-Fulani against the Sayawa by calling in the military to maintain order, but tensions in Tafawa Balewa persists. By mid-September, most of the Hausa-Fulani had left Tafawa Balewa.

During the weekend of September 7, violence erupted in the Jos that eventually claimed more than 2300 lives. It is

unclear how the unrest began, but tensions had risen over the appointment of an ethnic Hausa to the chairmanship of a local Poverty Alleviation Program, and earlier violence between Christian Sayewa and Musim Hausa-Fulani in Tafawa Balewa, Bauchi, only 60 kilometers away. There were also several reports of Hausa-Fulanis being summarily killed in outlying villages. Roughly eighty-percent of the casualties in Jos were Hausa-Fulani Muslims, who constitute a significant minority in Jos. The military was able to restore order, but thousands of Hausas fled Plateau state for Kaduna, Kano, Jigawa and Bauchi. This conflict appears to have been primarily ethnic, and secondarily religious. Christians of different sects were reported to have attacked each other, and Yoruba Muslims reportedly joined in the killing of their Hausa co-religionists. The Jos conflict produced approximately 11,600 internally displaced persons according to the Nigerian Red Cross.

In October 12, 600 to 1000 Muslims peacefully demonstrated in Kano against U.S. and allied air strikes against Afghanistan.

However, several hours after the demonstration two small churches were burned. The following morning, a mob of predominantly Hausa youth began attacking shopkeepers and looting shops in city's major market. The military was called in to restore order and did so successfully. The violence appeared to be primarily opportunistic and criminally inspired but with religious and ethnic overtones, with gangs trying to foment unrest in order to loot. Churches and three mosques were reportedly burned during the fighting. After order was restored, Governor Kwankwaso held a series of meetings with local ethnic and religious leaders to stem further outbreaks and to rebuild trust between the communities.

National/Racial/Ethnic Minorities

The country's population of about 120 million is ethnically diverse, and consists of more than 250 groups, many of which speak distinct primary languages and are concentrated geographically. There is no majority ethnic group. The three largest ethnic groups, the Hausa-Fulani of the north, the Yoruba of the southwest, and the Igbos of the southeast, together make up about two-thirds of the population. The Ijaw of the South Delta area, the fourth largest group, claim a population of 12 million, roughly the same as the Kanuri population in the far northeast and Tiv population in the south. Because of the lack of reliable statistics, it is difficult to determine the populations of the various ethnic groups.

The Constitution prohibits ethnic discrimination by the Government. In addition the Constitution mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country in order to promote national unity and loyalty. This provision was designed as a safeguard against domination of the Government by persons from a few states or ethnic and sectional groups. These provisions were included in response to previous domination of the Government and the armed forces by northerners and Muslims. In fact, many argue that the informal, though immutable rules of regional and ethnic "zoning" substantially outweigh the Constitution, because they are the implicit rules by which Nigerians agree to remain in one nation. The Government of Olusegun Obasanjo was an example of this diversity. Obasanjo is a Yoruba from the southwest, the Vice President is a northerner, and the Senate President is an Igbo. President Obasanjo assiduously followed the unwritten rules of zoning in making key appointments: essentially, each state must have at least gets one minister and one minister of state. While this makes for an unwieldy cabinet and can make geographic or ethnic provenance outweigh considerations of competence, this system can not be dispensed with easily. The political parties also engaged in "zoning," the practice of rotating positions within the party among the different regions and ethnicities to ensure that each region and ethnicity is given adequate representation. Nonetheless, claims of marginalization by members of southern minority groups and Igbos continued. The ethnic groups of the Niger Delta, in particular, continued their calls for high-level representation on petroleum issues and within the security forces. Northern Muslims, who lost previously held positions within the military hierarchy, accused the Obasanjo Government of favoring Christians from the Middle Belt for those positions. Traditional linkages continued to impose considerable pressure on individual government officials to favor their own ethnic groups for important positions and patronage.

Societal discrimination on the basis of ethnicity is widely practiced by members of all ethnic groups and is evident in

private sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a continuing paucity of marriages across major ethnic and regional lines. There is a long history of tension among the diverse ethnic groups (see Section 1.a.)

Significant inter-ethnic clashes were reported in Delta, Anambra, Bauchi, Plateau, Nassarawa, Rivers, Benue, Bayelsa, Akwa Ibom, Cross River and Ebonyi States, often resulting in fatalities (see Sections 1.a, 5.d).

Competing economic aspirations among smaller ethnic groups related to the control and powers of subnational governments occasionally led to violent conflict. This competition is often expressed in terms of "indigene" versus "immigrant."

The crisis in Jos, despite its religious overtones, was partially precipitated by indigenous ethnic groups in order to drive out or deny Hausa-Fulani "immigrants" access to the resources of Plateau State--even though immigrant Hausa settlers originally founded Jos.

A recurring conflict over land rights and status continued for several months between the Tiv, the Kwalla, the Jukun and the Azara ethnic groups. These groups all reside in or near the convergence of Nasarawa, Benue and Taraba states. The Tiv, who are thought to have originated in the East African highlands, migrated to central Nigeria hundreds of years ago. Tivs are regarded as interlopers by the "indigenous" ethnic groups, except in parts of Benue State where the Tiv predominate. The conflict began in southeastern Nasarawa state June 12 when Alhaji Musa Ibrahim, a chief of the Hausa-speaking Azara ethnic group, was assassinated by a group of local Tiv. Hundreds may have been killed in the ensuing conflict, which was eventually stopped by the military, with nearly 30,000 Tiv migrating south to Benue State. In July, the conflict spread to Taraba State and involved the Jukun ethnic group attacking the Tiv. Twenty-five people were reported killed and 25,000 Tiv fled Taraba for camps on Benue and Nasarawa. Tensions in Makurdi, Benue State, rose over the influx of Tiv, and nearly resulted in ethnic conflict there in September.

Other ethnic minorities, particularly in Delta, Rivers, Bayelsa, and Akwa Ibom states, have echoed the Ogoni ethnic group's claims of environmental degradation and government indifference to their development in the Delta. Groups such as the Ijaw, Itsekiri, Urhobo, and Isoko continued to express their unhappiness about their perceived economic exploitation and the environmental destruction of their homelands, and incidents of ethnic conflict and confrontation with government forces increased in the delta area, particularly after the Ijaw Youth Council issued the Kaiama Declaration in December 1998 (see Section 1.a.). Other ethnic groups saw the Kaiama Declaration, which claims the entire Delta the property of the Ijaw, as threatening their rights. Disparate organizations of youths from a variety of ethnic groups continued to take oil company personnel hostage in the delta region (see Section 1.b.). For example, in June, an Ijaw group took around 60 people hostage at an oil facility at Bonny Island, Rivers State. The group alleged that the land where the facility was situated had been obtained illegally. As a result of this ongoing violence, many oil companies continued to employ local police, and in some cases military troops, to protect their facilities and personnel. Local youths claimed that these "militias" engaged in extrajudicial killings and other human rights abuses, in some cases with the support of foreign oil companies (see Section 1.a.).

The Niger Delta Development Commission (NDDC), an entity created in October 2000 to increase government resources committed to the area and grant more local autonomy over expenditure of these resources, achieved little while plans to source its financing remained contentiously debated.

Section 6. Worker Rights

The Right of Association

The 1999 Constitution gives all citizens the right to assemble freely and associate with other persons, and to form or belong to any trade union or other association. However, several statutory restrictions on the individual's right of association, and on trade unions, remain in effect despite repeals of most military-era anti-labor decrees. These restrictions include: permitting only a single central labor federation (the Nigerian Labour Congress); requiring trade unions to be formally registered by the Federal Government; requiring a minimum of 50 workers to form a trade union;

recognizing only 29 trade unions; preventing non-management senior staff from joining registered trade unions; and, denying senior staff associations a seat on the National Labor Advisory Council (NLAC). Several of these restrictions were cited by an ILO committee of experts in 1999. The government has yet to amend these laws, but has conducted discussions with senior staff associations concerning formal recognition and their accession to the NLAC.

Certain categories of Nigerian workers are not permitted to join trade unions, including members of the armed forces, and government employees in the police, customs, immigration, prisons, federal mint, central bank, and telecommunications. Certain workers engaged in an "essential service" are required to provide advance notice of a strike. Essential services include banking, postal services, transportation, public health, and utilities. Employees working in a designated export-processing zone may not join a union until ten years after the start-up of the enterprise.

According to figures provided by the Nigerian Labour Congress, total union membership is approximately four million. Less than ten percent of the total work force is organized. With the exception of a small number of workers engaged in commercial food processing, the agricultural sector, which employs the bulk of the work force, is not organized. The informal sector, and small and medium enterprises, remain largely unorganized.

Since 1978 the government has mandated a single trade union structure with service and industrial unions grouped under the NLC. The trade union movement is composed of two groups consisting of junior and senior staff workers. The single trade union structure and segregation of junior from senior staff were intended by government to dilute labor's bargaining strength. Junior staff workers--primarily blue-collar workers--are organized into 29 industrial unions with a membership of approximately four million persons and are affiliated with the NLC. Twenty-one associations make up the senior staff associations of Nigeria, which have renamed themselves the trade union congress (TUC). The TUC has a claimed membership of approximately 400,000 to 600,000. The TUC -- primarily white-collar workers--has not been officially sanctioned by the government, is prohibited by statute from affiliating with the NLC. Although it lacks a seat on the National Labor Advisory Council, the government has commenced discussions concerning its accession to the body. Sescan has begun to lay the political groundwork to achieve government recognition, which will require formal action by the national assembly.

Strikes occurred in May and June by the doctors and university professors over wages, working conditions, and government investment in infrastructure. Both actions were resolved following lengthy negotiations with the relevant government ministries, and are significant in that labor extracted government commitments to budget greater funds for development of the nation's moribund health and education infrastructures.

Smaller strikes plagued the oil sector, particularly in the areas of operation in the Niger delta. The principal issues raised by NUPENG (National Union of Petroleum and Natural Gas Workers) and its senior staff counterpart PENGASSAN (Petroleum and Natural Gas Senior Staff Association of Nigeria) are the increasing use of contract labor and the number of indigenous workers in management positions.

There are no laws prohibiting retribution against strikers and strike leaders. Lagos State Government terminated an important local union leader in Lagos, ostensibly for nonperformance, following an extended and acrimonious strike by state government workers. Strikers who believe that they are victims of unfair retribution may submit their cases to the industrial arbitration panel (IAP), with the approval of the Labor Ministry. The IAP's decisions are legally binding on the parties but may be appealed to the Nigerian Industrial Court (NIC). In practice the decisions of these bodies infrequently carry the force of law. Union representatives describe the arbitration process as cumbersome and time-consuming, and an ineffective deterrent to employer retribution.

1B. The right to organize and bargain collectively

The labor laws provide for the right to organize and to bargain collectively. Collective bargaining occurs throughout the public sector and organized private sector. Complaints of anti-union discrimination may be brought to the Ministry of Labor for resolution. The Labor Minister may

refer unresolved disputes to the IAP and the NIC (see Section 6.a.). Union officials have questioned the effectiveness and independence of the NIC in view of its refusal in previous years to resolve various disputes stemming from the government's failure to fulfill contract provisions for public sector employees. The NIC was reconstituted this year with several new members, including a formerly imprisoned trade unionist, Milton Dabibi. Union leaders have criticized the arbitration system's dependence on the labor minister's referrals. The Labor Minister typically makes few referrals to the IAP. The IAP and NIC are now active following the government's appointment of new members, but sorely lacking in resources.

Under the law, a worker under a collective bargaining agreement may not strike unless his union has met the requirements of the Trade Disputes Act, including mandatory mediation and referral of the dispute to the Government. The act allows the Government in its discretion to refer the matter to a labor conciliator, arbitration panel, board of inquiry, or the National Industrial Court. The Act forbids any employer from granting a general wage increase to its workers without prior government approval. In practice, however, the law is widely ignored. Public and private sector strikes are widespread, and private sector wage increases are not submitted to the government for prior approval.

The government retains broad legal authority over labor matters and often intervenes in disputes seen to challenge key political or economic objectives. But the era of government domination of unions through handpicked "sole administrators" is now over. The labor movement is increasingly active and strident on issues affecting the ordinary worker. During 2001 the Nigeria Labour Congress in particular has spoken out often on issues ranging from economic reform, fuel price deregulation, privatization, globalization, tariffs, corruption, contract workers, and political issues.

The labor movement in February gathered in Abuja to form a "civil-society-based" political party, which would feature strong labor representation. Although the event generated much interest and attracted senior government attendance, funding for the party remains a sticking point.

The government has directed each state administration to establish its own salary structure based on its ability to pay and in accord with the national minimum wage (see section 6.e.). The government's decision, taken without broad consultation, caught several states by surprise. Many state governments have found it difficult to pay the approximately \$60 (6500 Naira) monthly minimum wage to their employees, without massive layoffs, and the elimination of "ghost workers."

An export-processing zone (EPZ) is being developed in Calabar, Cross River State, and a second is planned for Port Harcourt, Rivers State. Workers and employers in such zones are subject to national labor laws, which provide for a ten-year amnesty on trade unions from the startup of an enterprise. This feature of Nigeria's EPZ framework attracted negative comment from the ILO.

c. Prohibition of forced or compulsory labor

The 1974 Labor Decree and the 1999 Constitution prohibit forced or compulsory labor. However, trafficking in women and children for purposes of forced prostitution and forced labor is a problem (see section 6.f), and enforcement of the law is not effective.

Although employment of persons under 18 years of age generally is prohibited, except for agriculture and domestic work, the government does not specifically prohibit forced and bonded labor by children. There are occasional reports of forced child labor, including child slavery rings operating between Nigeria and neighboring countries (see sections 5 and 6.f). The reports suggest that Nigerian children are exported to other African countries for domestic and agricultural work. Children from neighboring countries are also imported to Nigeria for work as domestic servants. d. Status of child labor practices and minimum age for employment

The 1974 Labor Decree prohibits employment of children less than 15 years of age in commerce and industry, and restricts other child labor to home-based agricultural or domestic work. The law states that children may not be employed in

agricultural or domestic work for more than 8 hours per day. The decree allows the apprenticeship of youths at the age 13 under specific conditions.

Primary education is compulsory, although this requirement rarely is enforced. Studies indicate declining school enrollment due to deteriorated public schools and increased economic pressures on families. The lack of sufficient primary schools and the high cost of school fees limits many families' access to education, inducing them to place their children in the labor market. Economic hardship leads to high numbers of children in commercial activities aimed at enhancing meager family income. Children are frequently employed as beggars, hawkers, and bus conductors in urban areas. The use of children as domestic servants is common. According to an ILO statement in 1998, and data from UNICEF, the incidence of child prostitution is growing (see section 5).

The 1974 Labor Decree and the 1999 constitution prohibit forced or compulsory labor, a prohibition that extends to children, although they are not mentioned specifically in the laws. There continue to be cases of trafficking in children as indentured servants or for criminal activities such as prostitution (see section 6.f.).

Private and government initiatives to stem the growing incidence of child employment exist but are ineffective, given the size of the problem, and the need for a well-functioning legal system. UNICEF operates programs that remove young girls from the street hawking trade and relocate them to informal educational settings. UNICEF believes it is only scratching the surface of the problem.

In conjunction with the ILO, the government is building a national program of action in support of child rights, survival, protection, development and participation.

The labor ministry has an inspections department whose major responsibilities include enforcement of legal provisions relating to conditions of work and protection of workers. There are less than 50 inspectors for the entire country. The ministry conducts inspections only in the formal business sector, in which the incidence of child labor is not significant.

E. Acceptable conditions of work

The 1974 Labor Decree set a minimum wage, which is reviewed from time to time. Private sector minimum wages increased this year to match the 2000 increase in the public sector wage scale. However, the statutory private sector minimum wage is irrelevant because real private sector wages greatly exceed the minimum wage. In early 2001 the national police went unpaid for several months.

The 1974 Labor Decree calls for a 40-hour workweek, two to four weeks annual leave, and overtime and holiday pay. The 1974 Labor Decree sets out general health and safety provisions, some of which are aimed specifically at young or female workers. It requires that the factory division of the Ministry of Labor and Employment inspect factories for compliance with health and safety standards, but this agency is greatly understaffed, lacks basic resources and training. In addition, the labor ministry often fails to reimburse inspectors for expenses incurred in traveling to inspection sites. Consequently, safety oversight of many enterprises is widely neglected and safety standards are quite low for indigenous enterprises.

The Decree requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents. The Labor Ministry, which is charged with enforcement of these laws, has been ineffective in identifying violators. The government has failed to action various ILO recommendations since 1991 to update its program on inspection and accident reporting. The Labor Decree does not provide workers with the right to remove themselves from dangerous work situations without loss of employment.

F. Trafficking in persons

No specific law makes trafficking in persons a crime. There is an active and growing market for trafficking in women and children within the region and to Europe for illicit purposes. The full nature and scope of the trade remains unknown, but is considered extensive. Immigration and police officials throughout Europe report a steady flow of Nigerian women entrapped and sold into prostitution in Europe,

particularly Italy, the Netherlands, Spain, and the Czech Republic. Italian authorities deported several hundred sex workers to Nigeria during the year. Other European countries deported smaller numbers of Nigerian trafficking victims. Nigerian Police officials claim that Nigerian women, though seeking emigration for economic reasons, are often recruited and trafficked to Europe through well-organized trafficking syndicates run by Nigerian criminals. Evidence shows that these Nigerian trafficking syndicates use indebtedness, threats of beatings and/or rape, and threats of violence to the victim's family back in Nigeria to keep the trafficked girls and women enslaved in European sex markets and to discourage them from seeking assistance from European police agencies or NGOs.

Nigerian police report that the families of girls and women often condone their entry into the sex trade. During the past year, there was at least one documented case of trafficking in children reported in the Lagos metropolis, though incidents of trafficking in Lagos and other major Nigerian cities are suspected to be commonplace. The absence of more documented reports is believed to be the result of ineffective enforcement mechanisms, lack of resources, and weak government commitment. There is evidence of trafficking of children to the United States and Europe, mostly for the reunification of children with their undocumented parents abroad.

Basic economic incentives often underlie child trafficking. Generally, families who employ children as domestic servants (a widespread practice in West Africa) also pay their school fees. Child traffickers receive a monthly payment from the employer, part of which is to be remitted to the parents of the indentured child servant. These traffickers take advantage of a cultural tradition of child fostering, under which it is culturally acceptable to send a child to live and work with a more prosperous family in an urban center in return for educational and vocational advancement.

According to ILO reports, there is an active and extensive trade in child laborers, some of whom are exported to Cameroon, Gabon, Benin and Equatorial Guinea to work in agricultural enterprises. Other children are coerced into prostitution. Authorities have identified a trade route for traffickers of children for labor through Katsina and Sokoto to the Middle East and east Africa. The eastern part of Nigeria and some southern states such as Cross Rivers and Akwa Ibom have been the sites of trafficking of children for labor and, in some cases, human sacrifice. Nigeria remains a destination for the trafficking of Togolese children. The ILO issued a report on child trafficking in the region that identified Nigeria as a source area, destination and transit area for children trafficking within and the region.

The government has conducted few investigations into the alleged involvement of government officials in trafficking, though this involvement reportedly is widespread.

There is draft legislation now under review in the National Assembly that would make trafficking a crime. There is government and societal acknowledgement that trafficking in women is a continuing problem, particularly to Europe. Police attempts to stem the trafficking of persons are inadequate and too often focus on the victims of trafficking, who are often subjected to lengthy detention and public humiliation upon repatriation to Nigeria. In contrast, traffickers are almost never identified and punished.

Awareness campaigns, often conducted by spouses of prominent politicians or non-governmental entities, have only recently begun to garner widespread attention. There are few statistics with which to determine if progress is being made with these campaigns. The development of a reliable, statistically-valid base for assessing the child trafficking problem has only recently begun under ILO auspices.

A rare and high-profile arrest of a suspected trafficker occurred in mid-2001. Bisi Dan Musa, a prominent Lagos businesswoman and wife of a former Presidential aspirant, was arrested and charged with 19 counts of child stealing⁸ (kidnapping) and slave dealing after 16 children aged between one and four years old were found in her custody.

In August, 33 Nigerian women and children intercepted in Conakry, Guinea, were repatriated to Nigeria following the personal intervention of President Obasanjo. As of this writing, the Nigerian Government is planning to extradite and prosecute in Nigeria 15 Nigerian traffickers arrested by

Guinean authorities in connection with the 33 trafficked women and girl.
Jeter